

The Law Firm
Fleming . Ruvoldt PLLC

A Professional Limited Liability Company incorporated in New York

Cathy Fleming
cfleming@flemingruvoldt.com
Direct Phone: 201-518-7907

11 Broadway
Suite 615
New York, NY 10004
Tel: (212) 600-9537
Fax: (973) 860-1874

15 Engle Street
Suite 100
Englewood, NJ 07631
(201) 518-7878

April 29, 2022

Via ECF

Hon. Zahid N. Quraishi
United States District Court
District of New Jersey
402 East State Street
Trenton NJ 08608

Re: Huahai US Inc. v. Sandy Zhou, et al.
Docket No. 3:22-cv-02346-ZNQ-DEA

Dear Judge Quraishi:

We write respectfully to oppose Defendants' request for a two-week extension of time to respond to Plaintiff's Order to Show Cause filed last night, April 28, 2022 (Doc. 9).

Plaintiff filed its Order to Show Cause, verified complaint and supporting documents on April 22, 2022 (which are reflected on the docket as being filed on April 25, 2022) (Doc. 1). Plaintiff provided notice to defendants on April 22, 2022. Per the Court's April 25, 2022 order, defendants' opposition to the motion for a TRO is to be filed on May 2, 2022 (Doc. 3).

Plaintiff respectfully requests that the current schedule stay in place.

Defendants are correct that Plaintiff conditionally assented to an extension, but only in the event that Defendants returned the login credentials for Plaintiff's account with Amazon Web Services ("AWS"). When Defendant Sandy Zhou ("Zhou") was terminated as Plaintiff's Chief Information Officer and as a consultant through SunCloud, Inc., Zhou took a number of login credentials ("Credentials") with her and ensured Plaintiff would be unable to use or reset them. Zhou further provided the Credentials to NuXaas, Inc. Without, specifically, the AWS Credentials, Plaintiff cannot access, maintain, or protect roughly 50 terabytes of Plaintiff's data,

including sensitive business and customer information. Unfortunately, Defendants have declined to return the AWS Credentials to Plaintiff.

While the bulk of the dispute may require time for freshly retained counsel to digest, the injunctive relief Plaintiff requests – the return of the Credentials for Plaintiff’s account with AWS to its rightful owner and enjoining their future use by Defendants – is simple, and the underlying facts are not in dispute. Plaintiff, not Defendants, owns the account with AWS. *See* Dkt. #1, Exhibit D. Plaintiff, not Defendants, owns the data contained within. Defendants acknowledge Plaintiff’s ownership in letters to Plaintiff where they note they will return the Credentials and access to Plaintiff’s data but only in return for payment. *See id.*, Exhibit F. The resolution that Plaintiff seeks in the Order to Show Cause is a far cry from the “drastic relief” that Defendants paint it as in their letter to this Court. Indeed, the relief is as simple as an email from the Defendants with the Credentials, and perhaps approving another email to confirm a change of email and password on the account with AWS to one of Plaintiff’s choosing – or, in the alternative, an order allowing AWS itself to reset the Credentials for Plaintiff.

Finally, this issue is a pressing one for Plaintiff. Plaintiff would normally have no objection to the courtesy of an extension of time to respond to the Complaint as a whole, but in this particular instance such an extension directly contravenes the emergency nature of the narrow relief that Plaintiff has requested. Further tampering or deletion of Plaintiff’s sensitive and confidential business data could be taking place even now, with no recourse available to Plaintiff if Defendants choose to do so – or if Defendants are lax in responding to a malicious actor targeting Plaintiff’s data.

This is particularly true given Defendants’ conduct to date; already, they have used the misappropriation of the Credentials with AWS to:

- Open or allow the opening of new subaccounts of their own on Plaintiff’s account with AWS, *see* Dkt. #1, Exhibit E;
- Delete or allow the deletion of an account of Plaintiff’s on AWS, *see* Dkt. #1 at ¶43; and
- Threaten to cut off Plaintiff’s access to its data with AWS entirely, *see id.* at ¶45 and Exhibit F.

Given this immediate and pressing risk of drastic harm to Plaintiff, its data, and its business – indeed, a risk that has already begun to materialize – Plaintiff cannot afford for Defendants to take their time to respond to Plaintiff’s narrow request for injunctive relief, particularly where Plaintiff’s ownership of the account and data at issue is without question.

For these reasons, Plaintiff respectfully opposes Defendants' request for an extension of time to respond to the Order to Show Cause.

Respectfully submitted,

s/Cathy Fleming

Cathy Fleming

Cc: Heng Wang, Esq. (by ECF)